

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE METHYL TERTIARY BUTYL ETHER
PRODUCTS LIABILITY LITIGATION

This document pertains to:

City of New York v. Amerada Hess Corp., et al.,
Case No. 04-CV-3417

Master File No. 1:00-1898
MDL No. 1358 (SAS)
M21-88

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**DECLARATION OF CHRISTOPHER J. GARVEY IN SUPPORT OF
DEFENDANT GULF OIL LIMITED PARTNERSHIP'S MOTION FOR
SUMMARY JUDGMENT ON PLAINTIFF'S CLAIMS**

Christopher J. Garvey, an attorney duly admitted to practice law in the State of New York and in this Court, hereby declares under penalty of perjury:

1. I am an attorney with the law firm of Goodwin Procter LLP, counsel for defendant Gulf Oil Limited Partnership ("GOLP") in the above-captioned matter. I submit this Declaration in support of *Defendant Gulf Oil Limited Partnership's Motion for Summary Judgment on Plaintiff's Claims* (hereinafter "Motion"). This Declaration authenticates the 18 exhibits attached hereto and relied on in support of the Motion. The total number of exhibits appended to this declaration is 18, which exceeds the 15 exhibits permitted by the Court's Individual Rules and Practices. I respectfully ask the Court's permission to exceed the 15 exhibit limit by one exhibit because each of the exhibits included here is relied on in GOLP's moving papers and is necessary to establish there is no dispute of material facts on any of Plaintiff's claims against GOLP. The total number of pages for the 16 exhibits submitted on this motion is approximately 136-*i.e.*, well under the total permitted by this Court's Individual Rules. In accordance with this Court's

Individual Rules and Procedures, the exhibits have been excerpted to include only the relevant material. Copies of each of the exhibits appended hereto were made at my direction on or around April 20, 2009.

2. Attached as Exhibit 1 is a true and correct copy of a letter and attached Exhibit A, dated April 13, 2009, from Susan Amron to James A. Pardo clarifying the City's causation theories.

3. Attached as Exhibit 2 is a true and correct copy of the Affidavit of Alice J. Kuhne to GOLP's Responses to Plaintiffs' Preliminary Set of Interrogatories Re: Defendant Identification.

4. Attached as Exhibit 3 is a true and correct copy of the Declaration of Gulf Oil Limited Partnership Pursuant to Case Management Order No. 4.

5. Attached as Exhibit 4 is a true and correct copy of GOLP's Objections and Responses to Plaintiff City of New York's First Set of Requests for Admissions and Related Interrogatories to all Defendants, dated September 29, 2008.

6. Attached as Exhibit 5 is a true and correct copy of GOLP's Disclosure Pursuant to June 9, 2005 Directive, dated September 15, 2005.

7. Attached as Exhibit 6 is a true and correct copy of relevant pages from GOLP's Responses to Interrogatories Nos. 42, 43, and 67 from GOLP's Objections and Responses to Plaintiff's Second Set of Interrogatories and Requests for Production to All Defendants, dated September 10, 2007.

8. Attached as Exhibit 7 is a true and correct copy of relevant pages from the Expert Report of GOLP's Expert John H. Guswa, served on March 9, 2009.

9. Attached as Exhibit 8 is a true and correct copy of a letter dated April 9,

2009 from James A. Pardo to the *Honorable* Shira Scheindlin describing Defendants objections to the David Terry Rebuttal Report.

10. Attached as Exhibit 9 is a true and correct copy of relevant pages from the City's Response to Interrogatory No. 2 and 3 of GOLP's Responses to Requests for Admission, Interrogatories, and Requests for Production.

11. Attached as Exhibit 10 is a true and correct copy of relevant pages from the Corrected Expert Report of Plaintiff's Expert David Terry, served on March 4, 2009.

12. Attached as Exhibit 11 is a true and correct copy of relevant pages from the Expert Rebuttal Report of Plaintiff's expert, David Terry, served on March 23, 2009.

13. Attached as Exhibit 12 is a true and correct copy of the Affidavit of Craig D. Byerlee.

14. Attached as Exhibit 13 is a true and correct copy of relevant pages from the deposition of GOLP Rule 30(b)(6) deponent Ronald R. Sabia, which was conducted at the law offices of Goodwin Procter LLP on November 6, 2007.

15. Attached as Exhibit 14 is a true and correct copy of relevant pages from the Expert Report of Plaintiff's experts, Donald Cohen and Marnie Bell, served on February 7, 2009.

16. Attached as Exhibit 15 is a true and correct copy of relevant pages from the Site-Specific Report of Plaintiff's expert, Marcel Moreau, served on February 6, 2009.¹

¹ The total number of pages excerpted from Mr. Moreau's report is 22, which exceeds the 15 pages per exhibit permitted by this Court's Individual Rules and Practices. I respectfully ask the Court's permission to exceed the 15-page limit for this single exhibit because each page is relied on in GOLP's moving papers and is necessary to establish there is no dispute of material fact on any of Plaintiff's claims against GOLP.

17. Attached as Exhibit 16 is a true and correct copy of relevant pages from the deposition of Plaintiff's expert, Gary Beckett, which was conducted at the law offices of Sheppard Mullin Richter & Hampton on April 1, 2009.

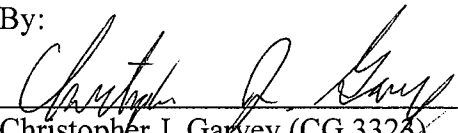
18. Attached as Exhibit 17 is a true and correct copy of relevant pages from the Expert Report of Plaintiff's expert, Gary Beckett, served on February 6, 2009.

19. Attached as Exhibit 18 is a true and correct copy of relevant pages of the New York City Department of Environmental Wellhead Protection Plan prepared by Malcolm Pirnie in December 2006.

Dated: New York, NY
April 20, 2009

Respectfully submitted,

By:

 (lcm)

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